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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PLATYPUS MARINE, INC., a Washington  
Corporation,

Plaintiff,

Case No.

v.

M/Y ALASKAN GRANDEUR, O.N. 1121333,  
her engines, tackles, hull, machinery, and gear,  
*in rem*,

Defendant.

**VERIFIED COMPLAINT**

Plaintiff Platypus Marine, Inc. ("Platypus") alleges as follows:

**I. PARTIES, JURISDICTION, AND VENUE**

1. This Court has subject matter jurisdiction over this case under 28 USC § 1333 as it is a maritime claim. To the extent any other basis of jurisdiction could be alleged, plaintiffs elect to designate this lawsuit as an admiralty claim under Rule 9(h) of the Federal Rules of Civil Procedure.

2. Plaintiff Platypus is a Washington corporation with its principal place of business located in Port Angeles, Washington, where it operates a vessel repair yard.

3. *In rem* defendant ALASKAN GRANDEUR, O.N. 1121333, is a 65-foot uninspected passenger vessel with its homeport in Glacier Bay, Alaska, owned and/or operated by

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1 Glacier Guides, Inc. This court has jurisdiction over the ALASKAN GRANDEUR as the vessel  
2 is present within this district and, upon information and belief, will remain within this district  
3 during the pendency of this action.

4 4. Venue is proper within this district in accordance with Rule C as the ALASKAN  
5 GRANDEUR is or will be within the physical jurisdiction of this Court during the pendency of this  
6 action.

## 7 II. FACTS

8 5. On or about December 3, 2021, Glacier Guides, Inc., owner of the luxury motor  
9 yacht ALASKAN GRANDEUR, entered into a binding written contract for the haul-out and  
10 repair of the vessel by Platypus in its Port Angeles, Washington shipyard. The contract's terms  
11 and conditions and haul-out agreement (Ex. A) were signed by Zach Decker, an authorized  
12 representative of Glacier Guides.

13 6. On or about December 3, 2021, Platypus hauled out the ALASKAN GRANDEUR  
14 and commenced the agreed upon repairs on the vessel in its yard. The work was completed on or  
15 about March 31, 2022, at which point Platypus re-launched the vessel.

16 7. On or about April 4, 2022, Platypus issued Statement No. AGR003, referencing  
17 Invoice No. AGR003-16, to Glacier Bay in the amount of \$272,253.74 for the haul-out and  
18 repairs to the vessel. (Ex. B.)

19 8. Glacier Guides requested to pay for the repair work with two checks from the same  
20 account. On or about April 4, 2022, when the ALASKAN GRANDEUR was re-delivered,  
21 Glacier Guides issued two checks from this account (No. 756 and No. 757; Ex. C). Check No.  
22 756 was written for \$104,242.56. Check No. 757 was written for \$168,011.18.

23 9. Glacier Guides stopped payment on Check No. 757, refusing to pay  
24 \$168,011.18 worth of repair work, over 60-percent of the invoiced amount.

25 10. A total of \$168,011.18 is owed for the work Platypus provided to the ALASKAN  
26 GRANDEUR.

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11. In filing this Verified Complaint, Platypus is proceeding *in rem* against the vessel under the substantive laws of the General Maritime Law of the United States of America as well as the Commercial Instrument and Maritime Liens Act, 46 U.S.C. §§ 31303 *et seq.*, and under the procedural laws of the Federal Rules of Civil Procedure, including the Supplemental Rules for Admiralty and Maritime Claims, as well as the Local Rules of this Court.

### III. CAUSE OF ACTION ON LIEN FOR NECESSARIES

12. Plaintiff contracted with the owner and/or operator of the ALASKAN GRANDEUR, to provide or furnish repairs and improvements to the ALASKAN GRANDEUR. Plaintiff provided or furnished said services to the Vessel and the Owner has failed and refused to pay for said services.

13. Plaintiff has a maritime lien against the Vessel for the necessities provided totaling \$168,011.18.

### IV. REQUEST FOR ARREST OF THE ALASKAN GRANDEUR PURSUANT TO SUPPLEMENTAL ADMIRALTY RULE C

14. Platypus incorporates the previous allegations by reference as if fully alleged herein.

15. Upon information and belief, the ALASKAN GRANDEUR is or will be within this District during the pendency of this admiralty and maritime claim.

16. Platypus's claim for damages gives rise to a maritime lien against the ALASKAN GRANDEUR, which plaintiffs are entitled to enforce in this action *in rem* as provided in the Federal Rules of Civil Procedure, Supplemental Admiralty Rule C.

17. The ALASKAN GRANDEUR has the capacity to be removed from the jurisdiction, concealed or destroyed so as to frustrate *in rem* jurisdiction.

18. Pursuant to Rule C of the Supplemental Rules for Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, Platypus is entitled to arrest the ALASKAN GRANDEUR to satisfy its claims, including but not limited to, pre-judgment interest, costs and expenses as

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1 alleged with more specificity *supra*.

2 19. Platypus agrees to release and hold harmless and indemnify the United States of  
3 America, the United States Marshal, their agents, servants, employees and all others for whom  
4 they are responsible from any and all liability or responsibility for claims arising from the arrest  
5 and attachment of the aforesaid ALASKAN GRANDEUR.

6 **PRAYER FOR RELIEF**

7 Plaintiff respectfully prays as follows:

8 1. That process in due form of law, according to the rules and practices of this  
9 Honorable Court, issue against the M/Y ALASKAN GRANDEUR, O.N. 1121333, her engines,  
10 tackle, apparel, furniture, equipment and all other necessities, *in rem*, by way of arrest pursuant to  
11 Supplemental Admiralty Rule C, placing the vessel under the arrest, custody and control of the  
12 Marshal of this District, and that all persons claiming interest in said vessel be required to appear  
13 and to answer under oath all and singular the matters aforesaid;

14 2. That the Court appoint a substitute custodian for the ALASKAN GRANDEUR  
15 during the pendency of this action;

16 3. That after due proceedings are had, there be judgment entered in favor of plaintiff  
17 and against defendants, including defendant ALASKAN GRANDEUR and her engines, tackle,  
18 apparel, furniture, equipment and all other necessities, *in rem*, requiring defendants to pay  
19 damages to plaintiffs in the amount of \$168,011.18 plus outstanding contractual interest at the  
20 rate of 12%, or as otherwise determined by this Court;

21 4. That the Court award judgment in favor of plaintiff and against defendant for all  
22 fees and costs incidental to or arising out of the attachment or arrest of the ALASKAN  
23 GRANDEUR while said vessel was *in custodia legis*, and other costs allowed by applicable law;

24 5. That the vessel M/Y ALASKAN GRANDEUR, her engines, tackle, apparel,  
25 furniture, equipment and all other appurtenances and additions, improvements and replacements  
26 belonging thereto, be condemned and sold to pay the demands and claims aforesaid with interest,

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1 attorneys' fees and costs and *custodia legis* costs due plaintiff as alleged herein;

2         6.       That plaintiff be awarded pre-judgment and post-judgment interest in the  
3 contractually-agreed rate of 12%, as well as costs; and

4         7.       For such other and further relief as the Court sees just and proper.

5                 DATED this Monday, April 11, 2022

6  
7                         s/ Donald K. McLean

8                         Donald K. McLean, AKSB No. 0403006

9                         /s/ Robert D. Sykes

10                        Robert D. Sykes, AKSB No. 1809074

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**VERIFICATION**

1. I am the President of Platypus Marine, Inc.
2. I have read the Complaint and believe the facts alleged to be true and accurate to the best of my knowledge, information and belief.
3. I am making this verification under penalty of perjury pursuant to 28 U.S.C. § 1746.

DATED this Monday, April 11, 2022 in Port Angeles, Washington

Judson Linnabary



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